

**REMARKS**

**Rejection Under 35 USC 103(a)**

Claims 36, 37, 39, 41, 42 and 44-46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,974,300 ("LaPorta et al.") in view of US Patent No. 5,694,455 to Goodman ("Goodman"). (Because Claims 37 and 39, and claims 42 and 44-46 are dependent upon independent Claims 36 and 41, respectively, they include all limitations of those dependent claims. This response, therefore, addresses the present rejection with regard to independent Claims 36 and 41). More specifically, the Patent Office states the following language on pages 2 and 3 of the present Office Action:

LaPorta fails to disclose wired means in the contact information gathering system for the network station to interface with wireless communications service provider stations, and that the sources of gathering of contact information are wireless telecommunication service provider databases of subscriber information.

However, in an analogous art, Goodman discloses wired means in the contact information gathering system for a network station to interface with wireless communications service provider stations, and that the sources of gathering of contact information are wireless telecommunication service provider databases 1102 of subscriber information. See FIG. 1 and col. 3, lines 24-36. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of LaPorta by incorporating these features, as taught by Goodman, for the purpose of conveniently incorporating the system in an existing wireline environment, such as that in an office or hotel building, and in an existing subscriber based communication system.

Applicant respectfully traverses this rejection and submits that a prima facia case of obviousness has not been established because the applied references fail to teach or suggest each and every element of the claims. Applicant submits that neither LaPorta et al. nor Goodman discloses or suggests the combination of features recited in at least independent claims 36 and 41. Applicant also submits that no proper combination of these documents disclose or suggest the combination of features recited in at least the independent claims. In particular, Applicant's independent claims 36 and 41 both teach gathering contact information for wireless telecommunication devices from one or more wireless telecommunications service provider databases of subscriber information. The proposed combination of references fails to teach or suggest this claimed element of Applicant's invention.

First, with regard to LaPorta et al., Applicant agrees with the Examiner's statement that

LaPorta fails to teach, "...that the sources of gathering of contact information are wireless telecommunication service provider databases of subscriber information." Applicant, however, disagrees with the Examiner that Goodman cures this deficiency.

First, Goodman teaches a "mobile audio program selection system" that requires that a subscriber select audio content programs available upon request. The audio content programs are, for example, music programs and audio books, which are provided in a standard or pre-customized menu. Language at Column 14, lines 39-39 describes this content and means for accessing the same:

3. The SR/SAR welcomes the user and provides an audio menu (e.g., music, library, etc.). This menu could be standard or pre-customized by the user. Also, the experienced user could interrupt the menu to move more quickly through the process.

4. The user makes a selection by speaking the desired item.

5. The SR/SAR continues to prompt the user with audio menus and interpreting the verbal response until a specific programming selection is made (e.g., Glen Miller medley). The gateway application then prompts the server to provide the requested programming.

The user thus prompts the selection system for receipt of a standard or pre-set subset of audio programming. Goodman clearly teaches a process of pushing pre-selected information to a user according to a standard menu and/or a pre-customized menu, which inherently conveys that publicly available audio programs provided to the user are capable of pre-selection by the user at an earlier time. This concept of having advance knowledge of content and pre-selecting information generally available to the public precludes a user's requesting specific, unknown contact information related to a particular wireless telephone subscriber. Moreover, Goodman fails to teach or suggest gathering contact information for wireless telecommunication devices from one or more wireless telecommunications service provider databases of subscriber information. In fact, Goodman teaches away from gathering specific subscriber contact information upon request from one or more wireless telecommunications service provider databases containing that private wireless subscriber contact information and instead teaches a system that provides a standard menu of publicly available information or a pre-customized menu that is, by definition, established in advance by a user having existing knowledge of available content..

Second, neither Laporta nor Goodman teach the gathering of wireless contact information from a wireless telecommunications service provider. The Background of the Invention section of the subject patent application describes how wireless telecommunications

service providers do not, at present, provide wireless contact information upon request. As indicated this is at least in part because wireless systems service providers charge receiving parties for incoming contacts. Specifically, paragraph [0008] of the Specification, reproduced here in pertinent part for convenience, provides this language:

[0008] Unfortunately, the directories that are presently available are limited to the contact information for landline-based systems. That is, there exists no generally available directory of contact information for wireless systems. The lack of such a directory or set of directories, may be blamed in part on the fact that only for wireless systems is the receiving party charged by the service provider for incoming contacts. Owners of wireless communications systems therefore tend to reserve publication of contact information in order to minimize unsolicited contacts and thereby control wireless system use costs.

Nothing in the cited references discusses the acquisition of wireless contact information from wireless service providers, and the incorporation of this contact information into a wireless directory which can be accessed by a party seeking wireless contact information.

Third, Applicant recognizes that the Examiner specifically cites a section of the Goodman reference, column 3, lines 24–36, that summarizes US Patent No. 4,812,843 to Champion, III et al.:

U.S. Pat. No. 4,812,843 to Champion et al. relates to a Telephone Accessible Information System. The patent describes a communication system for subscribers that is capable of continuously updating information on a variety of subjects. Primarily, the patent deals with the subject of updated traffic information. Each geographic area served by the system is represented by a specially designed map. The map is divided into grid sections and systems to indicate routes. The subscriber, through codes on a DTMF phone selects a particular route. The communications system, from information gathered in a database, provides the subscriber with updated traffic information. This is continually updated for a certain route for a certain period of time.

Champion, III et al., like Goodman, is limited to providing subscribers with updates to pre-selected, publicly-available information. Descriptions at column 9, lines 3 through 24, and column 10, lines 45-53, reproduced here in pertinent part for convenience, describe this system:

The system is designed to allow a subscriber to touch dial into the system wherein the (D41) unit of a node receives the tones and decodes the account number which is transmitted by the subscriber. The DTMF pulses are converted to an ASCII String which is read by the computer software and a determination is made as to whether or not a valid entry number has been transmitted...*The subscriber will thereafter enter a series of numbers or designation codes which relate directly to predetermined routings or other information file codes.* The system then provides information from the central data file 12 via the local area network 16 and

interface 22 to each of the nodes 17. The nodes will then transmit such information by way of the (D41) units 21 to the subscriber. The subscriber will listen to the message relating to traffic conditions along the predesignated routes or will receive an update or other information made available through the system after which the unit will automatically disconnect the caller from the line. **[Emphasis added]**

As previously discussed, in the operation of the traffic status information service, each geographic area which is served by the system will be divided into predesignated routings or areas according to road and highway combinations which are commonly traveled. **Each route will be given a numerical code and each subscriber to the system will be given a coded map from which to select when calling for traffic status information.** Other codes will be provided for additional or other information services as previously discussed. **[Emphasis added]**

The subscriber to the system in Champion, III et al. therefore must pre-register and establish relevant DTMF codes for requesting pre-selected publicly available information, such as traffic updates.

As the node receives the message in the form of a call back file from the central data file, the nodes computer software switches to a call back mode and the node computer instructs the D41 unit to begin a sequence of call backs through the call back circuitry **43 to users who have previously phoned in form information about the given commuter routes, locations or other information.** **[Emphasis added.]**

This system precludes requesting subscriber contact information or any information *upon request*. The subscriber first must submit "form information" in advance of using the system for receiving updates. Furthermore, like Goodman, Champion, III et al. fails to teach or suggest gathering contact information for wireless telecommunication devices from one or more wireless telecommunications service provider databases of subscriber information. In fact, Champion, III et al. teaches away from gathering specific subscriber contact information upon request from one or more wireless telecommunications service provider databases containing that private wireless subscriber contact information and instead teaches a system that requires that a subscriber know particular entry codes assigned to pre-selected, publicly available information.

The proposed combination of references thus fails to teach or suggest Applicant's invention as taught by independent claims 36 and 41. Applicant respectfully submits that independent claims 36 and 41, therefore, are in condition for allowance, and Applicant respectfully requests that the Examiner reconsider and withdraw the present rejection. Further, because claims 37 and 39 depend from independent claim 36 and include all of the limitations of independent claim 36, and because dependent claims 42 and 44-46 depend from independent claim 41 and include all of the limitations of independent claim 41, Applicant

respectfully submits that these dependent claims are also in condition for allowance. Applicant respectfully requests that the Examiner also reconsider and withdraw the rejection of these dependent claims

The Examiner has rejected dependent claims 38 and 43 under 35 USC 103(a) as being unpatentable over LaPorta et al. in view Goodman and Dreke et al. (U.S. Patent Application Publication 200210035594 A1). Applicant respectfully traverses this rejection. As discussed above, the proposed combination of over LaPorta et al. in view of Goodman fails to teach or suggest Applicant's invention as claimed in independent claims 36 and 41. In particular, the proposed combination of references fails to teach gathering contact information for wireless telecommunication devices from one or more wireless telecommunications service provider databases of subscriber information. Because dependent claims 38 depends from independent claim 36 and includes all of the limitations of independent claim 36, and because dependent claim 43 depends from independent claim 41 and includes all of the limitations of independent claim 41, Applicant respectfully submits that these dependent claims are also in condition for allowance. Applicant respectfully requests that the Examiner reconsider and withdraw the present rejection.

The Examiner has rejected dependent claims 40 under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in view of Goodman and Thorner et al. (WO 98156158). Applicant respectfully traverses this rejection. As discussed above, the proposed combination of over LaPorta et al. in view Goodman fails to teach or suggest Applicant's invention as claimed in independent claim 40. In particular, the proposed combination of references fails to teach gathering contact information for wireless telecommunication devices from one or more wireless telecommunications service provider databases of subscriber information. Because dependent claims 40 depends from independent claim 36 and includes all of the limitations of independent claim 36, Applicant respectfully submits that these dependent claims are also in condition for allowance. Applicant respectfully requests that the Examiner reconsider and withdraw the present rejection.

Summary

In light of the above amendment, consideration of the subject patent application is respectfully requested. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-4514.

Respectfully submitted,

**/Kevin M. Farrell/**

Kevin M. Farrell  
Attorney for Applicants  
Registration No. 35,505

November 24, 2008  
Pierce Atwood, LLP  
One New Hampshire Avenue, Suite 350  
Portsmouth, NH 03801  
603-433-6300